

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

BOARDS OF TRUSTEES OF OHIO	:	
LABORERS' FRINGE BENEFIT	:	
PROGRAMS,	:	Civil Action 2:09-cv-48
	:	
Plaintiffs,	:	Judge Graham
	:	
v.	:	Magistrate Judge Abel
	:	
JERGENS BALES CONTRACTORS,	:	
INC.,	:	
	:	
Defendant.	:	

ORDER GRANTING DEFAULT JUDGMENT

This action was filed on January 16, 2009. (Doc. 1.) On January 22, 2009, Defendant Jergens Bales Contractors, Inc. was served with process. (Doc. 3.) Its answer date was February 11, 2009. Defendant failed to move or plead in response to Plaintiffs' Complaint. On March 31, 2009, the Clerk of Court entered a default in favor of Plaintiffs. Plaintiffs have now moved for a default judgment. (Doc. 6.)

In this action, Plaintiffs, the trustees of the Ohio Laborers' District Council – Ohio Contractors' Association Insurance Fund, the Laborers' District Council and Contractors' Pension Fund of Ohio, the Ohio Laborers' Training and Apprenticeship Trust Fund, and the Ohio Laborers' District Council – Ohio Contractors Association Cooperation and Education Trust, have sued Defendant for unpaid fringe benefit

contributions pursuant to trust agreements which they allege obligated Defendant to make contributions to the trusts on behalf of its employees. Plaintiffs seek an award of the unpaid contributions, liquidated damages and interest pursuant to the trust agreements, and attorney fees.

Plaintiffs attach to their Motion a copy of the agreement under which Defendant was bound to make contributions to the relevant funds (Doc. 6-2 at 1), a tabulation of the unpaid contributions (Doc. 6-2 at 4), a record of the attorney fees expended on this matter (Doc. 6-2 at 5), and an affidavit by Plaintiff's counsel attesting to the above facts. The evidence before the Court is sufficient for it to make a determination of the sum due Plaintiffs without an accounting or hearing, pursuant to Fed. R. Civ. Pro. 55(b)(2).

Therefore, for good cause shown, the motion for a default judgment (Doc. 6) is **GRANTED**. The Clerk of Court is **ORDERED** to enter judgment against Defendant in the amount of \$110,617.22 in unpaid contributions, liquidated damages, interest through the date of filing, and attorney fees, plus interest accruing at the contractual rate of 1% per month, and the costs of this action.

It is so ORDERED.

s/ James L. Graham
JAMES L. GRAHAM
United States District Judge

DATE: April 3, 2009

